

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE WESTERN DISTRICT OF TENNESSEE**  
**WESTERN DIVISION**

**FACTORY MUTUAL INSURANCE  
COMPANY, as subrogee of Agilent  
Technologies, Inc.,**

Plaintiff,

v.

**XPEDIENT MANAGEMENT GROUP, LLC  
and ST. PAUL FIRE AND MARINE  
INSURANCE COMPANY,**

Defendants.

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No. 2:25-cv-02424

JURY DEMAND

**UNOPPOSED MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL  
AND EXTENSION OF TIME TO RESPOND TO PLAINTIFF’S COMPLAINT**

COMES NOW the Defendant, St. Paul Fire and Marine Insurance Company (“St. Paul”), to submit its Unopposed Motion for Withdrawal and Substitution of Counsel and Extension of Time to Respond to Plaintiff’s Complaint pursuant to *Local Rule* 83.5 and *Fed. R. Civ. P.* 6(b)(1)(A).

As grounds for this motion, the parties would show that St. Paul was served with process and the Complaint on April 23, 2025. [Doc 13]. Pursuant to *Fed. R. Civ. P.* 12(a)(1)(A)(i), the deadline for St. Paul to file an answer or otherwise respond to Plaintiff’s Complaint is May 14, 2025. On April 28, 2025, Paige I. Bernick, Peter C. Robison, and Ryan N. Clark of the law firm Lewis Thomason, P.C. filed notices of appearance on behalf of St. Paul. [Doc 8]; [Doc 9]; [Doc 10]. Since that time, St. Paul has elected to change its representation in the defense of this matter. For that reason, Paige I. Bernick, Peter C. Robison, and Ryan N. Clark of Lewis Thomason, P.C. request that they be permitted to withdraw as attorneys of record in this case. Likewise, Sean W. Martin and Michael J. Petherick of the law firm Carr Allison have requested to be substituted as

counsel of record for St. Paul. Given the change in counsel, St. Paul also requests that the Court extend the deadline for it to file an answer or otherwise respond to Plaintiff's Complaint by 21 days, through and including June 4, 2025. Under these circumstances, St. Paul contends that good cause exists for extending the deadline for St. Paul to file an answer or otherwise respond to Plaintiff's Complaint from May 14, 2025 to June 4, 2025. Pursuant to *Local Rule 7.2(a)(1)(A)*, a proposed order granting the relief requested in this motion is being submitted by email. As reflected in the certificate of consultation below, the relief requested in this motion is unopposed.

**WHEREFORE**, the parties respectfully request that the Court enter an order granting this motion, permitting Paige I. Bernick, Peter C. Robison, and Ryan N. Clark of Lewis Thomason, P.C. to withdraw as counsel of record for St. Paul, substituting Sean W. Martin and Michael J. Petherick of Carr Allison as counsel of record for St. Paul, and extending the deadline for St. Paul to file an answer or otherwise respond to Plaintiff's Complaint from May 14, 2025 to June 4, 2025.

Respectfully submitted,

**CARR ALLISON**

BY: /s/ Michael J. Petherick  
**SEAN W. MARTIN, BPR #020870**  
**MICHAEL J. PETHERICK, BPR #036155**  
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**LEWIS THOMASON, P.C.**

BY: /s/ Paige I. Bernick

(by MJP, w/permission)

**PAIGE I. BERNICK, BPR #30071**

**PETER C. ROBISON, BPR #27498**

**RYAN N. CLARK, BPR #29105**

Attorneys for St. Paul

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**CERTIFICATE OF CONSULTATION**

Pursuant to *Local Rule 7.2(a)(1)(B)*, on May 12, 2025, undersigned counsel conferred telephonically with Plaintiff's counsel, S. Joe Wellborn, about the relief requested in this motion. At that time, it was determined that the relief requested in this motion is not opposed by Plaintiff. On May 13, 2025, undersigned counsel conferred with counsel for Defendant Xpedient Management Group, LLC, William P. Thomas and Andrew Schrack, by email about the relief requested in this motion. Xpedient Management Group does not oppose the relief requested in this motion.

BY: /s/ Michael J. Petherick

**MICHAEL J. PETHERICK, BPR #036155**

**CERTIFICATE OF SERVICE**

I hereby certify that on May 14, 2025, I electronically filed an **UNOPPOSED MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL AND EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

S. Joe Wellborn  
Jefferson C. Orr  
Brenden T. Holbrook  
330 Commerce Street, Suite 110  
Nashville, TN 37201

Paige I. Bernick  
Peter C. Robison  
Ryan N. Clark  
424 Church Street, Suite 2500  
Nashville, TN 37219

BY: /s/ Michael J. Petherick

**MICHAEL J. PETHERICK, BPR #036155**